

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-06658-AJN**

American Immigration Council et al v. Executive Office For
Immigration Review et al
Assigned to: Judge Alison J. Nathan
Cause: 05:552 Freedom of Information Act

Date Filed: 07/17/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

American Immigration Council

represented by **Claudia Valenzuela**
American Immigration Council
1331 G Street NW
Ste 200
Washington, DC 20005
202-507-7540
Fax: 202-742-5619
Email: cvalenzuela@immcouncil.org
ATTORNEY TO BE NOTICED

Emma Curtis Winger
American Immigration Council
1318 Beacon Street
Suite 18
Brookline, MA 02446
617-505-5375
Email: ewinger@immcouncil.org
ATTORNEY TO BE NOTICED

Plaintiff

**American Immigration Lawyers
Association**

represented by **Claudia Valenzuela**
(See above for address)
ATTORNEY TO BE NOTICED

Emma Curtis Winger
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Immigrant Defense Project

represented by **Claudia Valenzuela**
(See above for address)
ATTORNEY TO BE NOTICED

Emma Curtis Winger
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**Executive Office For Immigration
Review**

represented by **Christopher Kendrick Connolly**
United States Attorney's Office
SDNY
86 Chambers Street
3 Floor
New York, NY 10007
(212) 637-2761
Fax: (212) 637-2786
Email: christopher.connolly@usdoj.gov

Defendant**U.S. Department of Justice**represented by **Christopher Kendrick Connolly**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/17/2019	<u>1</u>	COMPLAINT against Executive Office For Immigration Review, U.S. DEPARTMENT OF JUSTICE. (Filing Fee \$ 400.00, Receipt Number ANYSDC-17260790) Document filed by American Immigration Council, Immigrant Defense Project, American Immigration Attorneys Association. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit FOIA Receipt)(Winger, Emma) (Entered: 07/17/2019)
07/17/2019	<u>2</u>	CIVIL COVER SHEET filed. (Winger, Emma) (Entered: 07/17/2019)
07/17/2019	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Immigration Attorneys Association, American Immigration Council, Immigrant Defense Project.(Winger, Emma) (Entered: 07/17/2019)
07/17/2019	<u>4</u>	MOTION for Emma Curtis Winger to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17261186. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Immigration Attorneys Association, American Immigration Council, Immigrant Defense Project. (Attachments: # <u>1</u> Affidavit Affidavit of Emma Winger, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order Proposed Order)(Winger, Emma) (Entered: 07/17/2019)
07/17/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>4</u> MOTION for Emma Curtis Winger to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17261186. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 07/17/2019)
07/18/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Alison J. Nathan. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 07/18/2019)
07/18/2019		Magistrate Judge Robert W. Lehrburger is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 07/18/2019)
07/18/2019		Case Designated ECF. (pne) (Entered: 07/18/2019)
07/18/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Emma Curtis Winger. The party information for the following party/parties has been modified: U.S. Department of Justice, American Immigration Lawyers Association. The information for the party/parties has been modified for the following reason/reasons: party name contained a typographical error; party name was entered in all caps. (pne) (Entered: 07/18/2019)
07/18/2019	<u>5</u>	MOTION for Claudia Valenzuela to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17267919. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by American Immigration Council, American Immigration Lawyers Association, Immigrant Defense Project. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Valenzuela, Claudia) (Entered: 07/18/2019)

07/18/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>5</u> MOTION for Claudia Valenzuela to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17267919. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 07/18/2019)
07/18/2019	<u>6</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Attorney for the Southern District of New York, re: <u>1</u> Complaint,. Document filed by American Immigration Council, American Immigration Lawyers Association, Immigrant Defense Project. (Winger, Emma) Modified on 7/19/2019 (dnh). (Entered: 07/18/2019)
07/18/2019	<u>7</u>	FILING ERROR – DEFICIENT PLEADING – SUMMONS REQUEST As To – REQUEST FOR ISSUANCE OF SUMMONS as to U.S Attorney General, re: <u>1</u> Complaint,. Document filed by American Immigration Council, American Immigration Lawyers Association, Immigrant Defense Project. (Winger, Emma) Modified on 7/19/2019 (dnh). (Entered: 07/18/2019)
07/18/2019	<u>8</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Justice, re: <u>1</u> Complaint,. Document filed by American Immigration Council, American Immigration Lawyers Association, Immigrant Defense Project. (Winger, Emma) (Entered: 07/18/2019)
07/18/2019	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Executive Office for Immigration Review, re: <u>1</u> Complaint,. Document filed by American Immigration Council, American Immigration Lawyers Association, Immigrant Defense Project. (Winger, Emma) (Entered: 07/18/2019)
07/19/2019	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Justice. (dnh) (Entered: 07/19/2019)
07/19/2019	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to Executive Office For Immigration Review. (dnh) (Entered: 07/19/2019)
07/19/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Emma Curtis Winger to RE-FILE Document No. <u>7</u> Request for Issuance of Summons, <u>6</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): 'As to' Error; Summonses may only be issued to official parties of record listed in the pleading caption. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (dnh) (Entered: 07/19/2019)
07/22/2019	<u>12</u>	ORDER granting <u>4</u> Motion for Emma Curtis Winger to Appear Pro Hac Vice (HEREBY ORDERED by Judge Alison J. Nathan)(Text Only Order) (Nathan, Alison) Transmission to Attorney Services/Help Desk. (Entered: 07/22/2019)
07/22/2019	<u>13</u>	ORDER granting <u>5</u> Motion for Claudia Valenzuela to Appear Pro Hac Vice (HEREBY ORDERED by Judge Alison J. Nathan)(Text Only Order) (Nathan, Alison) Transmission to Attorney Services/Help Desk. (Entered: 07/22/2019)
07/30/2019	<u>14</u>	AFFIDAVIT OF SERVICE. Executive Office For Immigration Review served on 7/22/2019, answer due 8/12/2019; U.S. Department of Justice served on 7/22/2019, answer due 8/12/2019. Service was made by Mail. Document filed by American Immigration Council; Immigrant Defense Project; American Immigration Lawyers Association. (Attachments: # <u>1</u> Exhibit Certified Mail Receipts, # <u>2</u> Exhibit Proof of Delivery)(Winger, Emma) (Entered: 07/30/2019)
08/27/2019	<u>15</u>	NOTICE OF APPEARANCE by Christopher Kendrick Connolly on behalf of Executive Office For Immigration Review, U.S. Department of Justice. (Connolly, Christopher) (Entered: 08/27/2019)
08/27/2019	<u>16</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated August 27, 2019. Document filed by Executive Office For Immigration Review, U.S. Department of Justice.(Connolly, Christopher) (Entered: 08/27/2019)

08/27/2019	<u>17</u>	ORDER granting <u>16</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. SO ORDERED. Executive Office For Immigration Review answer due 9/27/2019; U.S. Department of Justice answer due 9/27/2019 (Signed by Judge Alison J. Nathan on 8/27/2019) (kv) (Entered: 08/27/2019)
08/29/2019	<u>18</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Parties ordered to submit via ECF proposed case management plan and joint letter seven days before conference. (As further set forth in this Order.) Initial Conference set for 11/8/2019 at 03:15 PM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Alison J. Nathan. (Signed by Judge Alison J. Nathan on 8/29/2019) (jca) (Entered: 08/29/2019)
09/26/2019	<u>19</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated September 26, 2019. Document filed by Executive Office For Immigration Review, U.S. Department of Justice.(Connolly, Christopher) (Entered: 09/26/2019)
09/26/2019	<u>20</u>	ORDER granting <u>19</u> Letter Motion for Extension of Time to Answer: SO ORDERED. (Executive Office For Immigration Review answer due 10/28/2019; U.S. Department of Justice answer due 10/28/2019.) (Signed by Judge Alison J. Nathan on 9/26/2019) (jwh) (Entered: 09/26/2019)
10/03/2019	<u>21</u>	ORDER: Due to the Court's unavailability, the initial pretrial conference previously scheduled for Friday, November 8, 2019 at 3:15 p.m. is hereby adjourned to Thursday, November 21, 2019 at 3:15 p.m. (Initial Conference set for 11/21/2019 at 03:15 PM before Judge Alison J. Nathan.) (Signed by Judge Alison J. Nathan on 10/3/2019) (rro) (Entered: 10/03/2019)
10/25/2019	<u>22</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated October 25, 2019., LETTER MOTION to Adjourn Conference addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated October 25, 2019. Document filed by Executive Office For Immigration Review, U.S. Department of Justice.(Connolly, Christopher) (Entered: 10/25/2019)
10/28/2019	<u>23</u>	ORDER granting <u>22</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint; granting <u>22</u> Letter Motion to Adjourn Conference. The deadline for the Government to respond to Plaintiffs' Complaint is hereby extended to December 2, 2019. The Initial Pretrial Conference in this matter is hereby rescheduled to December 13, 2019 at 3 :45 p.m. SO ORDERED. Executive Office For Immigration Review answer due 12/2/2019; U.S. Department of Justice answer due 12/2/2019; (Initial Conference set for 12/13/2019 at 03:45 PM before Judge Alison J. Nathan.). (Signed by Judge Alison J. Nathan on 10/28/2019) (kv) (Entered: 10/28/2019)
11/25/2019	<u>24</u>	LETTER MOTION to Adjourn Conference addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated November 25, 2019., LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge Alison J. Nathan from AUSA Christopher Connolly dated November 25, 2019. Document filed by Executive Office For Immigration Review, U.S. Department of Justice.(Connolly, Christopher) (Entered: 11/25/2019)
11/26/2019	<u>25</u>	ORDER: Due to the Court's unavailability, the initial pre-trial conference previously scheduled for Friday, December 13, 2019 at 3:45 p.m. is hereby rescheduled for Wednesday, December 11, 2019 at 3 p.m. (Initial Conference set for 12/11/2019 at 03:00 PM before Judge Alison J. Nathan.) (Signed by Judge Alison J. Nathan on 11/26/2019) (rro) (Entered: 11/26/2019)
11/27/2019	<u>26</u>	ORDER granting <u>24</u> Letter Motion to Adjourn Conference; granting <u>24</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. The deadline for the Government to respond to Plaintiffs' Complaint is hereby extended to January 6, 2020. The Initial Pretrial Conference in this matter is hereby rescheduled to February 14, 2020 at 3:45 p.m. SO ORDERED. Executive Office For Immigration Review answer due 1/6/2020; U.S. Department of Justice answer due 1/6/2020 (Initial Conference set for 2/14/2020 at 03:45 PM before Judge Alison J. Nathan.) (Signed by Judge Alison J. Nathan on 11/27/2019) (kv) (Entered: 11/27/2019)